

Message Text

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PASS STATUS LNO

FOL WELLINGTON 01583 SENT ACTION SECSTATE INFO CANBERRA
LONDON OTTAWA PARIS PORT MORESBY SANTIAGO SEOUL SUVA TAIPEI
TOKYO GENEVA HICOMTERPACIS CINCPAC HONOLULU MAR 30, 1978
REPEATED TO YOU QUOTE

C O N F I D E N T I A L WELLINGTON 01583

HICOMTERPACIS FOR LNO STATUS
CINCPAC ALSO FOR POLAD

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TAGS: EFIS, NZ

SUBJECT: SOUTH PACIFIC REGIONAL FISHERIES AGENCY (SPRFA)

REF: STATE 75506

SUMMARY: MFA OFFICIALS REACTED TO DEPARTMENT'S
SUGGESTION FOR PRELIMINARY EXPERTS DISCUSSIONS ON
SPRFA IN GENEVA WITH RESERVED APPROVAL. RESERVATIONS
ARE THAT: (A) MANY OF THE SMALLER FORUM PARTICIPANTS
AT THE SUVA MEETING WILL NOT HAVE REPRESENTATIVES AT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 084345

THE LOS SESSION IN GENEVA; (B) THE SOUTH PACIFIC
ECONOMIC COMMISSION (SPEC) SHOULD BE REPRESENTED
BECAUSE SPRFA SESSIONS CONTINUE TO BE UNDER ITS
AUSPICES; (C) SUVA MEETING CHAIRMAN, CHRIS BEEBE,
CANNOT BE IN GENEVA ON APRIL 10-17 DATES INDICATED
PER REFTTEL. MFA OFFICIALS OFFERED POSSIBILITY THAT
BEEBE COULD COORDINATE A LATE APRIL DISCUSSION (TWO-

THREE DAYS) IGENEVA FOLLOWING UP ON EARLIER USG INITIATIVES, AND TENTATIVELY APPROVED THE CONVENING OF AN EXPERTS GATHERING IN SUVA JUST BEFORE THE FULL SPRFA MEETING IN JUNE. ACTION REQUESTED: DEPARTMENT'S VIEWS ON WHETHER OR NOT THE PROPOSED "TWO TREATY" APPROACH TO THE HIGHLY MIGRATORY SPECIES PROBLEM WILL LEAVE NEW ZEALAND AND OTHER FORUM STATES OPEN TO THE SANCTION PROVISIONS OF THE 1976 US LEGISLATION. END SUMMARY.

1. NEW ZEALAND DELEGATION AT LOS CONFERENCE INCLUDES TWO MFA OFFICIALS (DICK GRANT, DEPUTY HEAD OF ECONOMIC DIVISION, AND BILL MANSFIELD, HEAD OF LEGAL AFFAIRS) WHO ARE THOROUGHLY FAMILIAR WITH THE SPRFA NEGOTIATIONS. WHILE NEITHER WAS IN NZ'S DELEGATION TO THE SUVA MEETING, GRANT DID PARTICIPATE IN THE SPC - PAGO PAGO SESSION AND BOTH HAVE BEEN PROMINENT IN THE DEVELOPMENT AND APPLICATION OF NEW ZEALAND'S OWN FISHERIES LEGISLATION.

2. DEPARTMENT'S PROPOSAL FOR EXPERT LEVEL DISCUSSIONS ON THE PROPOSED SPRFA TO BE HELD IN GENEVA THE WEEK OF APRIL 10 WAS DISCUSSED WITH MFA OFFICIALS MARCH 29. INASMUCH AS CHRIS BEEBE WAS ONE OF THE MFA PARTICIPANTS, IT WAS PUT TO HIM THAT THE USG WOULD WARMLY WELCOME HIS COORDINATION OF THESE TALKS IF HE COULD

CONFIDENTIAL

PAGE 03 STATE 084345

BE IN GENEVA AT THAT TIME. RESPONDING FIRSTLY TO THE DUAL CONCERNS OF THE USG (PER PARA ONE OF REFTTEL), THE MFA OFFICIALS AGREED THAT EXPERT LEVEL, PRELIMINARY DISCUSSIONS ARE CRITICAL TO THE SUCCESS OF THE JUNE, SUVA MEETING. WHILE THEY WOULD NOT SEEK TO DISSUADE THE USG FROM SPRFA-RELATED DISCUSSIONS AT GENEVA, THEY EXPRESSED SEVERAL RESERVATIONS. (A) SEVERAL OF THE SMALL, SOUTH PACIFIC FORUM PARTICIPANTS AT THE SUVA MEETING (E.G., COOKS, TAVALU, NIUE, SOLOMONS, GILBERTS AND TONGA, AS WELL AS PERHAPS W. SAMOA) ARE UNLIKELY TO HAVE REPRESENTATIVES AT THE LOS CONFERENCE; (B) IF (A) IS TRUE, THEN IT WOULD BE IMPORTANT TO HAVE SPEC REPRESENTED AT THE GENEVA DISCUSSIONS BOTH BECAUSE THE SPRFA NEGOTIATIONS CONTINUE TO BE UNDER SPEC AUSPICES AND BECAUSE SEVERAL OF THE SMALLER STATES FEEL THAT SPEC REPRESENTS, AT LEAST IN MEASURE, THEIR INTERESTS; AND (C) CHRIS BEEBE CANNOT, IN ANY EVENT, BE IN GENEVA BY THE SECOND WEEK IN APRIL. AMPLIFYING ON POINTS (A) AND (B), MFA OFFICIALS SAID IT WOULD BE "DANGEROUS" FOR THE METROPOLITANS TO MEET IN GENEVA WITHOUT SPEC OR SMALLER STATE PARTICIPATION BECAUSE

THE MORE "SENSITIVE" STATES WOULD BE CERTAIN TO CLAIM A "DEAL" WORKED OUT BEHIND THE BACKS OF THE SMALL, DEVELOPING STATES.

3. BEEBE OFFERED THE FOLLOWING ANALYSIS OF HIS OWN SITUATION: (A) AT BEST HE COULD PERHAPS BE IN GENEVA FOR A 2-3 DAY DISCUSSION ON SPRFA NEAR THE END OF APRIL OR EARLY MAY, PERHAPS AS A "FOLLOW-UP" TO THE EARLIER USG-INITIATED DISCUSSIONS, PROVIDED THE USG THOUGHT THAT WOULD BE HELPFUL (HE OFFERED TO CONSULT WITH MFA AUTHORITIES ON THIS POSSIBILITY AND UNDERTOOK TO ADVISE THE EMBASSY LATER THIS WEEK); (B) BEEBE ANTICIPATES MFA WILL PERMIT HIM TO CONTINUE AS SPRFA MEETING CHAIRMAN--IF THAT IS WHAT THE PARTICIPATING STATES ALSO WANT--AND, IN THAT EVENT HE WOULD CONFIDENTIAL

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PAGE 04 STATE 084345

BE AGREEABLE TO COORDINATING PRELIMINARY DISCUSSIONS, ALTHOUGH NOT REPEAT NOT IN THE APRIL 10-17 PERIOD.

4. ALTERNATIVELY, OR AS A SUPPLEMENT TO THE GENEVA DISCUSSIONS, MFA OFFICIALS APPROVED OF A 2-3 DAY EXPERTS SESSION IN SUVA AT THE END OF MAY AND MENTIONED SEVERAL TECHNICAL AREAS (E.G., GEOGRAPHIC EXTENT OF THE CONVENTION AREA AND ACCESSION TO THE TREATY BY OTHER STATES) WHERE IT AGREES THAT PRE-CONFERENCE SOLUTIONS SEEM CRITICAL TO THE MEETING'S ULTIMATE CHANCES OF SUCCESS. BEEBE SAID IT WOULD BE MOST HELPFUL IF OUT OF THESE PRELIMINARY DISCUSSIONS SOME DRAFT TEXTS COULD BE PUT INTO THE SYSTEM.

5. AS AN ASIDE, MFA OFFICIALS MENTIONED THAT SPEC SECRETARY GENERAL MAHE HAS WRITTEN TO PRIMIN MULDOON ASKING FOR THE GNZ'S REACTION TO THE PAPUA NEW GUINEA "TWO TREATY" APPROACH TO HANDLING THE MIGRATORY SPECIES PROBLEM. MFA SAID THE GNZ CABINET HAS CONSIDERED THE "TWO TREATY" APPROACH AND HAS DECIDED TO ENDORSE IT IN A REPLY NOW BEING SENT TO MAHE. IN DOING SO, HOWEVER, THE GNZ WOULD LIKE TO HAVE THE DEPARTMENT'S ADVICE THAT SUCH A SOLUTION, AGREED UPON BY THE FORUM STATES, WOULD SATISFY THE REQUIREMENTS OF THE US 1976 FISHING CONSERVATION AND MANAGEMENT ACT, AND THE FISHERMAN'S PROTECTIVE ACT AND ITS 1976 AMENDMENTS. OF PARTICULAR INTEREST IS THE PURPOSES OF CONGRESS CLAUSE OF PL 94-265 SEC. 2 WHICH STATES AS A PURPOSE "TO SUPPORT AND ENCOURAGE THE IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL FISHING AGREEMENTS FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY SPECIES, AND TO ENCOURAGE THE NEGOTIATION AND IMPLEMENTATION OF ADDITIONAL SUCH CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 084345

AGREEMENTS...;" AND THE SANCTION PROVISIONS OF THE FISHERMAN'S PROTECTIVE ACT. IN SHORT, WOULD THE APPLICATION OF THE PROPOSED SPRFA MANAGEMENT PROVISIONS TO HIGHLY MIGRATORY SPECIES LAY OPEN NEW ZEALAND AND THE OTHER FORUM STATES TO THE SANCTIONS PROVIDED IN THE US LEGISLATION? (EMBASSY'S READING OF THE LAW IS THAT THE SANCTIONS APPLY ONLY TO FOREIGN ASSISTANCE AND THUS COULD IMPACT ON SOME OF THE DEVELOPING STATES BUT NOT NEW ZEALAND.) DEPARTMENT'S VIEWS ON THIS MATTER REQUESTED. (FYI: MFA HAS ASKED ITS WASHINGTON EMBASSY THE SAME QUESTION. END FYI.)

6. EMBASSY COMMENT: WHILE EMBASSY HAS NO WAY OF KNOWING WHICH OF SMALLER SOUTH PACIFIC STATES ARE REPRESENTED AT THE LOS SESSION IN GENEVA, IT IS SATISFIED THAT MANY OF THE SMALLEST, POOREST ONES WILL NOT BE. WE SHARE, THEREFORE, THE GNZ CONCERN THAT THERE BE NO APPEARANCE IN GENEVA OF A "DEAL" BY THE METROPOLITANS WITHOUT THE INVOLVEMENT OF THE SMALLER STATES WHO ARE UNABLE TO ATTEND THE LOS SESSION. END COMMENT. SELDEN UNQUOTE COOPER

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